

IN THE UNITED STATES DISTRICT COURT
IN THE SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

DORIS PENNINGTON	§	C.A. No. _____
	§	
PLAINTIFF	§	
VS	§	(Jury demanded)
	§	
ATHENS HOTEL	§	
DEFENDANTS	§	

ORIGINAL COMPLAINT

To Honorable United States District Courts:

Comes now Plaintiff, Doris Pennington, filing this her original complaint of Defendant, Athens Hotel ("Defendant") and in support thereof would show the follows:

1.

Jurisdiction, Parties and Venue

1. This Court has jurisdiction over the causes of action alleged by Plaintiff pursuant to age Discrimination in Employee act ("ADEA").

2. Doris Pennington (here in after also referred to as "Plaintiff") is an individual who resides in Houston, Harris County< Texas. Plaintiff, female is a member of a group protected by ADEA and was at a; relevant times an employee with the meaning of the applicable stature,

3. Defendant , Athens Hotel, is a cooperation, Defendant operates (and has continuously been operating in the United States of Texas, Athens Hotel has continuous had more or less than 15 employees at one times relevant to these causes of action. Athens Hotel may be served with process.

The unlawful employment practices asserted in this complaint herein wholly or partly arose in the Southern District of Texas, Houston Division venue is appropriate in this Court.

II.

Exhaustion of Administrative Remedies

5. Plaintiff filed a charge of Discrimination with the U.S. Equal Employment Opportunity on or about May 19, 2015. A copy of the charge is attached as Exhibit "A" and is incorporated by references herein. In that charge, No. 460-2015-02675, Plaintiff asserted that was discriminated against because of her age.

6. The U.S. Equal Employment Opportunity Commission issued a Right to Sue Notice authorizing this lawsuit. A copy is attached as Exhibit "B" and is incorporated herein by reference. Plaintiff has exhausted her administrative remedies and files this suit within the statutory limitations period.

III

FRACTURAL BACKGROUND

7. Defendant has engaged in unlawful employment practices, in violation of Section 703 (a) (1) of ADEA, 42 U.S.C, Section 2000e- 2 (a) (1), at Athens Hotel.

8 On January 6, 2015, Plaintiff completed an application for housekeeping position. Plaintiff satisfactorily met Athens requirements for such position.

9. Plaintiff were deprived of the position after three months of employment for another person without any notice of or explanation, manger refused to comprise of sharing the days between me and the new employee, my seniority didn't matter, this person were just hired for a stand – by as needed the hours that I had were given to her.

11.The effect of the practice complained, of in paragraphs 7-9, above, has been to deprive, Doris Pennington of equal employment opportunities or otherwise adversely affect her status as an employee, because of her age.

IV

CAUSE OF ACTION

A. AGE DISCRIMINATION:

12. DORIS PENNINGTON repeats and re-allegations by reference each and every allegation contained in paragraphs 7 through 11 and incorporates the same therein as though fully set forth.

13. Defendants Athens Hotel, through its supervisors, or employees engaged in a pattern and practice of unlawful Age Discrimination by denying DORIS PENNINGTON employment of her age in violation of Age Discrimination in Employment Act.

14. The above described of Age Discrimination created an intimidating, oppressive, hostile was overtly offensive environment for applicants, which interfered with DORIS PENNINGTON'S emotional and physical well-being.

16. Defendants, Athens Hotel violated ADEA by failing to adequately supervise, control, discipline, and or otherwise penalize, the conduct, acts, and omission of its employees as described in the paragraph above, described in the paragraph above.

17. As a direct and proximate result of Defendant Athens Hotel, willful, knowing and intentional discrimination against Doris Pennington through its supervisors or employees, Doris Pennington has suffered and will continue pain and suffering, and extreme and severe mental anguish, and emotional distress. Doris Pennington is thereby entitled to general and compensatory damages in amount to be proven at trial.

18 The unlawful employment practices of which DORIS PENNINGTON complains the proceeding paragraphs were intentional.

V.

JURY REQUEST

DORIS PENNINGTON requests a jury trial on all questions of fact raised by her complaint and any amendment.

VI

PRAYER

WHEREFORE, premises considered, DORIS PENNINGTON respectfully prays that this Court:

A. .Grant permanent injunction enjoying Defendant, their employees, and those acting in consort with Defendant, from engaging in age discrimination and any employment practice which discriminates on the basis of age.

B .Order Defendant Athens Hotel to institute and /or carry our policies, practices, which provides equal employment opportunities for its 40 years old and older employees and applicants, and which eradicate the effects of its past and present unlawful employment practices:

C. order Defendant to make Doris Pennington whole by providing compensatory for pain and mental suffering:

D. order Defendant to make Doris Pennington whole by providing punitive damages in an amount above the minimum jurisdictional limit of the Court:

E. order Defendant to make Doris Pennington whole by proving pre-judgment interest at the highest rate permitted by Law:

F. order Defendant to make Doris Pennington whole by proving post-judgement interest from judgment until paid at the highest rate permitted by Law;

G. order Defendant to make Doris Pennington whole by providing costs of Court: and

H. Such other and further relief, at Law or in equity, to which Doris Pennington may be entitled, whether by this Original Complaint or by any amendment hereto.

Dated: _____, 2015

RESPECTFULLY SUBMITTED,

DORIS PENNINGTON

Pro se

5727 Flamingo

Houston, Texas 77033

713-933-5407

Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**460-2015-02675****Texas Workforce Commission Civil Rights Division**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Ms. Doris Pennington

Home Phone (Incl. Area Code)

(713) 733-9554

Date of Birth

06-28-1950

Street Address

City, State and ZIP Code

5727 Flamingo Drive, Houston, TX 77033

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

ATHENS HOTEL SUITES

No. Employees, Members

Under 15

Phone No. (Include Area Code)

(713) 759-1960

Street Address

City, State and ZIP Code

1208 Clay Street, Houston, TX 77002

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☒ AGE ☐ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

05-01-2015**05-02-2015**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

My employment with the Respondent began in January 2015 and I worked as a Housekeeper. In my opinion, I performed my duties well and did not have any disciplinary problems. On a day off, May 1, 2015, I went to the hotel to pick up my pay. After I left, I learned that a meeting was called for all staff members with the owner, John. The following day I was told that another employee, James, said I told him I quit. This is a complete lie, but since I was excluded from the meeting, I could not defend myself. Since then, I have tried to get John to give me at least some hours to work and he refuses.

I believe I have been discriminated against based on my age, 64, in violation of the Age Discrimination in Employment Act of 1967, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

May 19, 2015

Date

Doris Pennington

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Doris Pennington
Plaintiff

VS

Athens Hotel Suite
Defendant

1208 Clay St
Houston, Texas 77002